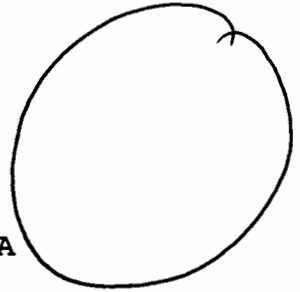


HB



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEO GIBNEY

CIVIL ACTION

v.

THOMAS FITZGIBBON, et al.

NO. 13-7

FILED

MAR 22 2013

ORDER

MICHAEL E. KUNZ, Clerk
By JL Dep. Clerk

AND NOW, this ~~22nd~~ day of March, 2013, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of defendant Thomas Fitzgibbon to dismiss for lack of personal jurisdiction under Rule 12(b)(2) of the Federal Rules of Civil Procedure is DENIED; and

(2) the motion of defendants Thomas Fitzgibbon and Merck & Co., Inc. to dismiss for failure to state a claim upon which relief can be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure is GRANTED.

BY THE COURT:

Lawrence Bartle
J.

ENTERED.

MAR 25 2013

CLERK OF COURT

3/25/13 mail.
Gibney